UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

IN RE:	)	**Case No: 11-10053**
BILTMORE INVESTMENTS, LTD,	)	**Chapter 11**
	)	
Debtors.	)	

APPLICATION TO EMPLOY ATTORNEY

The debtor/debtor-in-possession applies to the Court and says as follows:

1. On January 26, 2011, the debtor herein filed a Chapter 11 petition with this Court and wishes to employ Edward C. Hay, Jr., an attorney duly admitted to practice in this Court.

2. The debtor/debtor-in-possession believes that said attorney is well qualified to represent it in this proceeding and will assist by: (a) giving legal advice with respect to its powers and duties in the continued operation of its business and management of its property; (b) preparing the necessary applications, answers, orders, reports and other legal papers; and ©) performing all other legal services which may be necessary herein and it is necessary for the debtor/debtor-in-possession to employ an attorney for such professional activities.

3. The named attorney has no connection with the debtor/debtor-in-possession, its creditors or any other party in interest or their respective attorneys.

4. The named attorney is a disinterested person to represent the debtor/debtor-in-possession and the estate. The named attorney has provided legal services to Asheville Downtown Holding, LTD, which shares common ownership with the debtor/debtor-in-possession, but does not consider that representation to constitute a conflict.

5. The named attorney represents no interest adverse to debtor/debtor-in-possession or the estate or the matters upon which he is to be engaged for debtor/debtor-in-possession and his employment would be in the best interest of this estate.

THEREFORE, the debtor/debtor-in-possession prays of the Court:

1. That an order be entered authorizing the appointment and employment of Edward C. Hay, Jr. As attorney for the debtor/debtor-in-possession.

2. For such further relief deemed proper by the Court.

THIS 27 day of January, 2011.

PITTS, HAY & HUGENSCHMIDT, P.A.
Attorney for the Debtor/D.I.P.

By: ______________________

Edward C. Hay, Jr., NC Bar #7149
137 Biltmore Avenue
Asheville, NC 28801
(828) 255-8085

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AFFIDAVIT OF PROPOSED ATTORNEY

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, Edward C. Hay, Jr., make solemn oath that:

1. I am an attorney and counselor-at-law, duly admitted to practice in the State of North Carolina and before this Court.

2. I maintain an office for the practice of law at 137 Biltmore Avenue, Asheville, North Carolina 28801.

3. I have no connection with the above-named debtor/debtor-in-possession or the estate in the matters upon which I am to be engaged and am a disinterested person to represent the debtor/debtor-in-possession and the estate.

THIS 26 day of January, 2010.

Edward C. Hay, Jr.

SUBSCRIBED AND SWORN TO before me this the 28 day of Jan, 2011.

Notary Public

My Commission Expires: 3/13/15